

**COMMITTEE ON ORDINANCES, CHARTER AND RULES  
TUESDAY NOVEMBER 12, 2019 AT 6:26 P.M.  
COMMITTEE ROOM  
WOBURN CITY HALL**

Voting Members:

Present: Chairman Lindsay Higgins, Alderman Michael Concannon and Alderman Mark Gaffney. Late: Alderman Darlene Mercer-Bruen. Absent: Alderman Edward Tedesco

Non-Voting Members:

Present: President Michael Anderson, Alderman Joanne Campbell and Alderman Robert Ferullo.  
Absent: Alderman Richard Gately

\* \* \* \* \*

**VOTED** to dispense with the reading of the minutes from the previous meeting and to approve; 4-0.

\* \* \* \* \*

Motion made by Alderman Concannon and seconded by Alderman Gaffney to take collectively the two matters on the posted agenda; approved, 3-0.

**Alderman Gaffney and Alderman Tedesco to amend the 1985 Woburn Zoning Ordinances by adding a new Section 31 entitled “Railway Overlay (ROD) District”:** Representing the petitioner was Attorney Joseph Tarby, Murtha Cullina, 600 Unicorn Park, Woburn, MA; George Gately, G.W. Gately Inc., 1 Summit Street, Woburn, MA; Hans Strauch, HDS Architecture, 625 Mount Auburn Street, Cambridge, MA; and Mark Sleger, ALAN Engineering, 47 Elm Street, Wakefield, MA. Chairman Higgins said the City Council received a recommendation from the Planning Board that was previously accepted during a regular City Council meeting. She asked if everyone has seen the board’s recommendation and if everyone had read it. No one at the table indicated they had not read the memorandum. Chairman Higgins asked members of the committee how they wanted to proceed. Alderman Concannon said the memo indicates there was a suggestion for a joint meeting with the council and a site visit which did not occur. He said he does not want the council’s intentions to be misunderstood. He said he has been to the site. He said he does not want the board to think the council is rejecting its offer. He said he does not want the Planning Board to feel slighted. Chairman Higgins said she has talked to Planning Director Tina Cassidy and informed her the council will be taking its time with its deliberations. President Anderson said he does not think the Planning Board felt like it was rushed but noted the board did not meet in July and August. Alderman Gaffney said he has toured the site and read the Planning Board’s recommendation. He said he thinks this is a good ordinance for a depressed area and the city may get some townhouses out of it. Alderman Campbell said she really appreciates the Planning Board’s efforts. She said Director Cassidy really put the ROD overlay into perspective with a comparison to the Woburn Mall project, which she noted allows 20 units per acre, while the ROD will allow 25 units per acre. She said she thinks the area needs to be improved but added there will be an impact on traffic and such. Chairman Higgins said the

property owner is in attendance. She said she expects there will be another committee meeting, partly because one of the sponsors of the legislation and the ward alderman are not here tonight. Chairman Higgins asked if there was a motion to suspend the rules to allow the landowner's and any of his representatives to address the committee. Motion made by Alderman Concannon and seconded by Alderman Gaffney to open the committee meeting to the public; approved, 3-0. Attorney Tarby offered copies of a power point presentation that was made at a previous City Council meeting and aerial maps from HDS Architecture. Motion made by Alderman Concannon and seconded by Alderman Gaffney to accept the aforementioned documents from the landowner's counsel; approved, 3-0. Attorney Tarby said the public hearing was opened on August 6, continued until Sept. 17, then until October 15 and will resume on Nov. 19, partly to await the recommendation from the Planning Dept. staff. He acknowledged the meeting tonight is missing two key people in Alderman Tedesco, a co-sponsor, and Alderman Gately, the ward alderman. Alderman Mercer-Bruen arrived at 6:34 p.m. Attorney Tarby said there was a Planning Board meeting on October 8, during which the members said they were happy they toured the property. He said his client's position on the 25/units per acre component was explained. He said his client will have to perform environmental cleanup and that was one of the reasons for the increase in density, so he could recoup some of those costs. He said his client has also proposed a reduction in the height of the structure from 49 feet to 46 feet, due to concerns about 4-story buildings on Main Street. He said the ordinance also references affordable housing, and access to public transportation, businesses and local restaurants. He said the recommendation that was forwarded to the council did not come from the Planning Board itself but rather Planning Dept. staff. He said it was not like the board members sat around a table and came up with recommendations. He said he can go through each item of the memorandum and posit his client's position. Chairman Higgins said that would be acceptable. In reference to item #1 on the memo, Attorney Tarby said it is clear his client's property is not the only one eligible for the zoning overlay. He said when the bikeway district was proposed there were indications that Dole & Bailey might move from its location in the South End and it might be replaced with residential housing. He said Dole & Bailey decided to stay put and since then no one has proceeded to seek residential housing for the area. Referencing item #2 in the Planning Dept. memo, Attorney Tarby said his client's project is no different than any other project. He said the council will have an opportunity to impose conditions to mitigate the impact of the project. He said it is unlikely all the lots in the area will be developed for housing. Referencing item #3 of the Planning Dept. memo, Attorney Tarby said traffic can be addressed through the special permit process. He said he does not agree with the statement that if the council approves it here, it has to do it there. He said the proposed zoning only includes properties that abut the railway. He said the underlying zoning can still be used, and any property owner does not have to use the ROD, an option which he said is consistent with other overlay districts. He said the city's zoning ordinance controls parking and signage. He said the zoning ordinance requires two parking spaces per unit, while some overlays allow less. He said his client has offered to reduce the height of the building to 46 feet. Chairman Higgins asked if the 46-foot dimension includes everything on top of the roof. Mr. Strauch said it is 46 feet to the roof line. He said he tried to come up with a solution that offers two means of access and a buffer between the subject parcel and Prospect and Green streets. He said the building is L-shaped with a courtyard. He said there will be 54 units in four stories. He said work habits are such these days that not everyone will leave at 8 a.m. He termed the design of the building "smart urban" and said the property is close to public transportation near Woburn Center. He said many people also work out of their homes these days. He said he

wanted to design a building that will reflect well on the community. He said the power point presentation includes photos of other buildings in the area, with their heights given. He said it is 43 feet to the peak of 238-244 Main Street, 56 feet to the top of St. Charles Church, and 63-feet to the top of the rectory. He said his client's site dips approximately six feet from Main Street. President Anderson asked what the height difference is to Prospect Street. Mr. Strauch said the site and Prospect Street are at relatively the same height, but there is a fair amount of vegetation in between. Alderman Mercer-Bruen said she would like to know the height of the adjacent residential building when the petitioner comes to the next committee meeting. Alderman Concannon said it looks like the height of the two buildings is almost equal. Mr. Gately said the condos at 12 Green Street are about four feet lower than the building he is proposing. Alderman Mercer-Bruen said she would like to know the height of all the abutting buildings. Alderman Campbell asked how the property owners are lowering the building by three feet. Mr. Strauch replied they can tighten up the floors. He said they can make it work. President Anderson asked if the structure will be made of all wood. Mr. Strauch said the structure will be made of wood. Alderman Gaffney said the building seems to be set back from the neighboring buildings. Alderman Mercer-Bruen asked what the distance is between the building to the neighboring buildings. Mr. Strauch said it is 28 feet from the end of the "L" to the property line, and almost 100 feet from the end of the house. He said there are also sizeable trees. He said the neighboring structure is well set back. Mr. Gately said the original version of the building was 4-5 feet from the property line. He said the existing buildings are also tight to the lot line. Alderman Gaffney said it looks like about 40 percent of the site is landscaped. Mr. Sleger said the landscaped area is 42.5 percent, and the building coverage is 16.8 percent. Alderman Campbell said there are trees the landowner wants to get rid of and was concerned that may not leave that much of a buffer. Mr. Gately said he is prepared to plant new trees and that he would consult with an arborist. Alderman Concannon said the memo from the Planning Board contains some questions, concerns, criticisms and maybe a couple of suggestions, but not a lot. He suggested inquiring with Director Cassidy to proffer further suggestions about how to improve the ordinance. He said he does not see an up or down recommendation. Chairman Higgins said the memo is recommendation. Alderman Concannon asked if there is a section of the memo that the council may want to adopt. Mr. Gately said Planning Board Member Claudia Bolgen spoke to that and said the board did not offer an up or down recommendation. Alderman Concannon said you can read between the lines and tell they were not thrilled with the ordinance. President Anderson said part of the recommendation urges the council to look at their comments. Alderman Concannon said the last page of the memo tells the council the ordinance is inadequate. He said he cannot think of a person more qualified than Director Cassidy to revise the document and elaborate about what is missing. Alderman Mercer-Bruen said the Planning Board reached out with an offer for a joint meeting, and the council responded with a request for an opinion. She said the two boards have different roles. She said the Planning Board is an appointed body that has particular expertise, and the council is an elected body that has experience but also reports to a constituency. She said she would have liked to have seen more elaboration in the memo, as well. President Anderson agreed more elaboration would have been nice. He said he wants to talk about environmental cleanup and what tests have been generated. Alderman Campbell said she would also like to know the expected costs of the cleanup. Mr. Gately asked when the council will be looking for that. President Anderson asked if Mr. Gately could provide that at the next meeting. Alderman Mercer-Bruen said the landowner has stated the density cannot be lowered because of the remediation costs. Mr. Gately said the parcel used to contained buildings with

chimneys that were 100 feet high. He said they have dug test holes around the building and they know what is there, and they will provide the cleanup costs. He said once the cleanup starts, you're all in. Alderman Concannon said getting the property cleaned up will be one of the biggest benefits to the neighborhood. Chairman Higgins said she would prefer to leave the matter in committee. She said the committee has a lot to digest. She said if anyone want to suggest changes, to do so by the next meeting. Alderman Campbell asked if the committee wants to send a memo to Director Cassidy to elaborate or give suggestions to the committee. Alderman Concannon said there are formatting and grammatical errors that at a minimum could be corrected, but he said he is also looking for more substantive comments. He said if there are some constructive additions that make this better, he would be all ears. Motion made by Alderman Concannon and seconded by Alderman Gaffney to send a communication to Planning Director Cassidy asking her to offer any constructive improvements or additions, or to elaborate on or revise any items that she may deem inadequate as well asking her to offer suggestions to correct any formatting errors in the proposed zoning ordinance entitled "Section 31 – Railway Overlay District"; approved, 4-0. Chairman Higgins asked when the committee would prefer a response from Director Cassidy. Alderman Higgins said 2-3 weeks would be a reasonable time frame. Alderman Mercer-Bruen said she wants to make sure there is ample time for Director Cassidy to get back to the committee. President Anderson said he would like for the council to take a vote on the proposed zoning amendment by the end of the term. Chairman Higgins noted Alderman Gaffney is one of the sponsors, and he is leaving the council at the end of the term. Alderman Mercer-Bruen asked how any members of the council can offer changes to the ordinance and if they should be sent to the clerk. Chairman Higgins said any proposed changes can be sent to the clerk so they can be incorporated into a draft.

**Alderman Gaffney and Alderman Tedesco to amend the Zoning Map of the City of Woburn by establishing the ROD Zoning District over the properties in the S-1 District between Green Street and High Street that abut the abandoned Boston & Maine Railroad Line located on Main Street, Green Street and High Street: See preceding item.**

\* \* \* \* \*

Motion made by Alderman Concannon and seconded by Alderman Gaffney to adjourn; all in favor, 4-0. Chairman Higgins adjourned the meeting at 7:16 p.m.

A TRUE RECORD ATTEST

---

Gordon Vincent  
Clerk of Committees